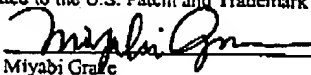


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September 16, 2003	
Date	Miyabi Gralle

## PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Applicant(s):** Richard A. Holl *et al.*    **Examiner:** FERGUSON, LAWRENCE D

**Application No.** 09/973,290    **Group Art Unit:** 1774

**Filing Date:** October 5, 2001    **Docket No.** 58035-011900

**Title:** Manufacture of Flat Surfaced Composites Comprising Powder-Fillers in a Polymer Matrix

OFFICIAL

## RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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Dear Sir:

This response is being submitted in reply to the communication of August 26, 2003 which includes a restriction requirement. This response is being timely filed within the shortened 30-day statutory period for response expiring on September 26, 2003.

Responsive to the Office Action mailed August 26, 2003, kindly enter the following provisional election: Applicant provisionally elects, with traverse, Group II Claims 14-21, drawn to articles consisting of bodies of composite materials. Additionally, claims 1-13, drawn to the method for producing composites of fine powdered fillers, are currently withdrawn from further examination. It is requested that the claims withheld from further examination remain in this case until such time as appropriate for possible filing of additional applications or upon the Examiner's withdrawal of the restriction requirement.

The requirement for restriction by the Examiner is respectfully traversed firstly because of the intertwined relationship between the claims of Group I and Group II. A search of the claims of provisionally elected Group II, drawn to articles consisting of bodies of composite materials, will necessarily encompass the search of the claims of Group I, since the claims of Group I are drawn to the method for producing composites of fine powdered fillers of Group II, which may be disclosed in references that relate to the articles consisting of bodies of composite materials of Group II.

The searches are interwoven, and it is well known that the excellent classification system of the United States Patent and Trademark Office is much more detailed than the actual separate status of fields known to the art. Therefore, applicants traverse the restriction requirement firstly on the grounds that a sufficient burden to require restriction does not exist and that the inventions are sufficiently related to preclude restriction notwithstanding the existence of patentable distinctness. Accordingly, the Examiner's request is burdensome, not only on the applicant but also the public, as it would require multiple patents to cover the technology of the claims of the invention.

Secondly, the Applicant wishes to respectfully point out to the Examiner that his statement regarding the *possibility* of providing the articles of the present invention by another and materially different process, the reason for issuing the restriction requirement, is inaccurate. More particularly, the statement that the "product can be made by forming a solution of extruded polymer in volatilizable solvent and sintering the material" is incorrect, as both the sintering process and the materials provided therefrom do not and cannot possess the advantageous characteristics provided by the teachings of the present invention.

Sintering and the flaws associated with products (e.g. holes, shrinkage of the product, etc) provided by such prior art processes (i.e., the flaws provided by the Examiner's exemplary method of manufacture) are discussed in the background section of the present application on, for example, on pages 1-2 in paragraphs 3 and 4. More particularly, the present teachings disclosed in the present application are provided to *avoid* sintering and products and product characteristics previously provided by such

prior art processes. More particularly, if one were to execute sintering as suggested by the Examiner, the resultant product is not the product provided by the teaching of the invention, since heating without melting would be taking place, in total opposition to the present pending disclosure and claims.

Therefore, Applicant respectfully requests that the restriction requirement be withdrawn and that Groups I and II be examined together in the pending application, since the Examiner has not shown that the products of the present invention can be made by a materially different process.

Applicant has complied with all requirements made in the above referenced communication. Accordingly, examination of this application on the merits is respectfully requested. Should matters remain which the Examiner believes could be resolved in a telephone interview, the Examiner is requested to telephone the Applicants' undersigned agent.

The Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-2638.

Respectfully submitted,

Date: September 16, 2003

  
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